



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,385	08/28/2001	Andreas Peiker	31530-173944	4052

26694 7590 04/18/2006

VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DC 20045-9998

EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/914,385	<b>Applicant(s)</b> PEIKER, ANDREAS	
	<b>Examiner</b> Karen L. Le	<b>Art Unit</b> <del>2642</del> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al. (U. S. 6,215,870) as applied to claim 13-24 above, and further in view of Ortscheid et al (U.S. 6,208,734).

Regarding claim 13, Hirai teaches an apparatus for securing a telephone (Col. 2, line 10, phone holder) having a housing and a contact mechanism, the housing being elongate with a width, thickness, and length (Fig. 20, Col 23, lines 32-38), the apparatus comprising:

a holder for the telephone ( Fig. 7, col. 2, line 16, holder main body); and

a mating contact unit for engaging the contact mechanism of the telephone (Fig. 48A, item TC) is longitudinally displaceable in the holder such that the holder accommodates and secures at least part of the housing of the telephone in an operating position (Col. 17, lines 40-48) (Col. 25, lines 5-11).

Hirai does not teach the mating contact unit being pivotable through a pivot angle. However, Ortscheid teaches the mating contact unit being pivotable through a

Art Unit: 2614

pivot angle (Fig. 6 and Fig 7, item 111 pivot through a pivot angle about item 6). Hirai teaches a phone holder that enables holding of various types of mobile phones provided with phone connectors having different arrangement. Ortscheid teaches a holding device for a communications unit contains a base element, a carrier that pivotally articulated on the base element, which can be pivoted away from the base element. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Ortscheid's pivot feature into Hirai's apparatus in order to have the mating contact unit being pivotable through a pivot angle. Pivot feature is very popular in communication holding device.

Regarding claim 14, Hirai further teaches mating contact unit includes a longitudinal slide mounted within the holder (Fig. 1, item 40).

Regarding claim 15, Hirai further teaches said holder is adapted to accommodate at least one of different telephone housing widths and different telephone housing thicknesses (Fig. 21, Col. 23, lines 32-38).

Regarding claim 16, Hirai does not teaches said mating contact unit is pivotable into a first position approximately 45 to 135 relative to a plane parallel to the holder, the first position being an accommodating/discharge position. However, Ortscheid teaches said mating contract unit is pivotable into a first position approximately 45 to 135 relative

Art Unit: 2614

to a plane parallel to the holder, the first position being an accommodating/discharge position (Fig. 6 and Fig. 7 contact unit 111 pivot against the base element 2)

Regarding claim 17, Hirai further teaches said mating contact unit is adapted to be moved from the first position into the operating position by a pivoting movement, at least one of subsequent pivoting movement and a subsequent sliding movement, a rearward sliding movement (Col.19, lines 5-20).

Regarding claim 18, Hirai does not teaches said mating contact unit comprises a body and means for establishing a connection with the telephone arranged on the body perpendicular to an axis of rotation of the body. However, Ortscheid teaches mating contact unit comprises a body and means for establishing a connection with the telephone arranged on the body perpendicular to an axis of rotation of the body (Fig.6 mobile 33 is perpendicular to an axis of rotation of item 6).

Regarding claim 19, Hirai further teaches a spring mechanism arranged at least partially in said holder for urging the mating contact unit in the first position by counteracting at least one of a rotary and a sliding movement of the mating contact unit (col. 6, lines 41-44 and Fig. 9, item 21 or 21b)

Regarding claim 20, Hirai further teaches a brake for at least partially damping movement of said mating contact Unit (Fig. 9, item 88 or 18).

Regarding claim 21, Hirai further teaches a restraining element for engaging an end of the housing opposite the contact mechanism when the mating contact unit is in the operating position (fig. 20, items 110, 123 and 141).

Regarding claim 22, Hirai further teaches at least one level compensating element arranged on the holder for engagement with a rear side of the telephone when telephone is engaged with said mating contact unit in the operating position (fig. 20, items 110, 123 and 141).

Regarding claim 23, Hirai further teaches an ejector mechanism arranged on said holder, said ejector mechanism being maintained in a prestressed position by the telephone when the telephone is engaged with said mating contact unit in the operating position (col. 7, lines 32-37).

Regarding claim 24, Hirai further teaches said mating contact unit has a flattened portion and means for establishing a connection with the telephone floatingly mounted on the mating contact unit relative a plane parallel to the flattened portion (Fig. 20. item 141)

Art Unit: 2614

***Response to Arguments***

3. Applicant's arguments with respect to claims 13-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487.

The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL

  
**WING CHAN**  
**SENIOR PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2800**

April 14, 2006